

GAIL C. TRABISH, ESQ. (#103482)
BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation
555 12th Street, Suite 1800
P. O. Box 12925
Oakland, CA 94604-2925
Telephone: (510) 834-4350
Facsimile: (510) 839-1897

Attorneys for Defendant
TARGET STORES, a division
of Target Corporation, erroneously
sued herein as Target Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JON GILBERT,

Plaintiff,

vs.

TARGET CORPORATION, and Does 1-20,
inclusive,

Defendants.

Case No.: C-08-01438 JL

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING REMAND TO
STATE COURT**

Complaint Filed: January 25, 2008

The parties, through their respective attorneys of record, stipulate as follows:

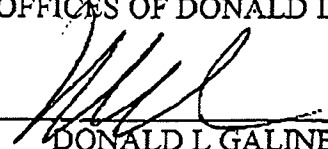
1. Jon Gilbert caused to be filed in San Mateo County Superior Court on January 25, 2008 a lawsuit against Target Corporation and Does 1-20 as the result of an accident which plaintiff alleges occurred at the Target store located in San Mateo. As Target Stores, a division of Target Corporation, is a Minnesota corporation, and plaintiff was a citizen of the State of California, defendant petitioned the court for removal of this matter to federal court based on diversity of citizenship and based on the damages that plaintiff sought.

2. On January 23, 2008, Cypress Insurance Company filed a lawsuit against Target Corporation in the Superior Court of the County of San Francisco. In said action, Cypress Insurance Company seeks to recover worker's compensation benefits paid to Jon Gilbert as a result of the incident which allegedly occurred at the San Mateo Target store on June 27, 2006.

3. Subsequent to the removal of the *Gilbert v. Target Corporation* matter to federal court, counsel for Target learned that Cypress Insurance Company is incorporated in the State of California with its principal place of business in California. The parties have agreed to transfer the Cypress action from San Francisco County Superior Court to San Mateo County Superior Court and consolidate it with the *Gilbert* action once a remand to San Mateo County Superior Court is approved and completed. As diversity would be defeated by Cypress Insurance Company, defendant requests that this action be remanded to San Mateo Superior Court where venue would be proper for further litigation of said case and consolidation with the matter of *Cypress v. Target Stores, Inc., et al.*


DATED: 3/31/, 2008

LAW OFFICES OF DONALD L. GALINE

By: 
DONALD L. GALINE, ESQ.
Attorneys for Plaintiff
JON GILBERT

DATED: 4/1/08, 2008

BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation

By: 
GAIL C. TRABISH, ESQ.
Attorneys for Defendant
TARGET STORES, a division of

ORDER

IT IS SO ORDERED that the above captioned matter, *Jon Gilbert v. Target Corporation, et al.* be remanded to San Mateo County Superior Court.

DATED: April 2, 2008


UNITED STATES MAGISTRATE JUDGE
JAMES LARSON

25333\429108